

ENVIRONMENTAL PROTECTION COMMISSION[567]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 455E.9, the Environmental Protection Commission hereby adopts new Chapter 210, “Beautification Grant Program,” Iowa Administrative Code.

The purpose of the program is to implement 2010 Iowa Acts, House File 2525, section 24, which provides financial assistance in the form of a grant each year not to exceed \$200,000 to a single eligible entity that meets the eligibility criteria set forth in the legislation. The grant is to be used for the development and implementation of a public education and awareness initiative designed to reduce littering and illegal dumping. In addition, the successful applicant must use the moneys to establish a community partnership grant program designed to support community beautification projects that include the deconstruction, renovation, or removal of derelict buildings.

In order to expedite the effective date of this new chapter and the awarding of the grant authorized by the General Assembly, the Commission has elected to proceed with emergency rule making.

In compliance with Iowa Code section 17A.4(3), the Commission finds that notice and public participation are impracticable due to the immediate need for rule making to administer the program enacted by the Legislature, which becomes effective on July 1, 2010.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on May 19, 2010, as it confers a benefit to the public by the awarding of the grant as soon as possible after July 1, 2010.

The Commission adopted this amendment on May 18, 2010.

This amendment is intended to implement 2009 Iowa Code Supplement section 455E.11(2)“a”(1) as amended by 2010 Iowa Acts, House File 2525, section 24.

This amendment became effective on May 19, 2010.

The following amendment is adopted.

Adopt the following new 567—Chapter 210:

CHAPTER 210
BEAUTIFICATION GRANT PROGRAM

567—210.1(455E) Beautification grant program. A beautification grant program is established in the department, with funds provided pursuant to 2009 Iowa Code Supplement section 455E.11(2)“a”(1) as amended by 2010 Iowa Acts, House File 2525, section 24. Each fiscal year for the fiscal period beginning July 1, 2010, and ending June 30, 2014, not more than \$200,000 will be awarded to one entity that meets the eligibility criteria pursuant to rule 567—210.5(455E).

567—210.2(455E) Purpose. The purpose of the program is to provide financial assistance to a single eligible entity for the development and implementation of a public education and awareness initiative designed to reduce littering and illegal dumping. In addition, the successful applicant must use the moneys to establish a community partnership grant program designed to support community beautification projects, including the deconstruction, renovation, or removal of derelict buildings.

567—210.3(455E) Role of the department. The department is responsible for administering the program and for determining how the funds will be disbursed.

567—210.4(455E) Applications; submission deadlines. Applications shall be submitted on a form provided by the department. With the exception of the fiscal year commencing July 1, 2010, applications shall be submitted no later than the April 1 that precedes the beginning of the fiscal year for which the funding is requested. For the fiscal year commencing July 1, 2010, applications shall be submitted no earlier than May 19, 2010, and not later than June 30, 2010.

567—210.5(455E) Eligibility.

210.5(1) To be eligible for the beautification grant program, an applicant must have done all of the following:

- a. Assisted communities and organizations in cleanup and beautification projects;
- b. Conducted research to assist in the understanding of reasons for littering and illegal dumping;
- c. Administered antilittering and beautification education programs; and
- d. Increased public awareness of the costs of littering and illegal dumping.

210.5(2) To demonstrate that the applicant meets the eligibility criteria, the application must include documentation that shows how the applicant has conducted activities through past or current initiatives for each listed criterion.

567—210.6(455E) Evaluation of applications. The department will evaluate all eligible grant applications submitted in the manner prescribed in the application. In the selection of an applicant for funding, emphasis will be placed on the success and impact of the initiatives set forth in rule 567—210.5(455E) as documented in the application. Eligible applicants must be in compliance with all applicable state and federal statutes and rules.

567—210.7(455E) Rejection of applications. The department may reject an application for reasons that include, but are not limited to:

1. The applicant does not meet eligibility requirements pursuant to rule 567—210.5(455E).
2. The applicant does not provide sufficient information requested in the application.
3. The activities proposed in the application are not consistent with the goals of the program.
4. Funds are insufficient to award the grant.
5. The applicant has not met the contractual obligations of previous department grant awards.
6. The department received the application after the deadline set forth in rule 567—210.4(455E).

567—210.8(455E) Reduced award. The department reserves the right to offer a grant in an amount less than the amount requested by the applicant if it is determined that the applicant could implement the eligible project at a reduced level of funding and achieve the eligible project objectives and purpose of this program.

567—210.9(455E) Fund disbursement limitations.

210.9(1) Prerequisites. No funds shall be disbursed until the department has:

- a. Determined the total estimated cost of the eligible project;
- b. Received confirmation that all required permits or permit amendments have been obtained by the grant recipient as appropriate;
- c. Received a commitment from the grant recipient to implement the eligible project; and
- d. Executed a written agreement with the grant recipient.

210.9(2) Public education and awareness initiative limit. Not more than 50 percent of the moneys awarded shall be used for the public education and awareness initiative described in rule 567—210.2(455E).

210.9(3) Community partnership program limit. Not more than 50 percent of the moneys awarded shall be used for the community partnership program described in rule 567—210.2(455E). The only eligible community partners under this program are cities of 5,000 or fewer in population.

567—210.10(455E) Eligible costs.

210.10(1) Applicants may request financial assistance in the implementation and operation of eligible projects, which includes, but is not limited to, funds for the purpose of:

- a. Development, printing and distribution of educational materials;
- b. Planning and implementation of educational forums including, but not limited to, workshops;
- c. Expenses directly related to the development, implementation and operation of eligible projects, including administration; and
- d. Research and laboratory analysis costs and engineering or consulting fees.

210.10(2) Additional eligible costs for community partnership programs. For the community partnership program described in rule 567—210.2(455E), eligible costs may also include, but are not limited to:

- a. Asbestos abatement and removal.
- b. The recovery and processing of recyclable or reusable material from derelict buildings.
- c. Reimbursement for purchased recycled content materials used in the renovation of buildings.

567—210.11(455E) Ineligible costs. Grant funds shall not be provided or used for costs including, but not limited to, the following:

1. Taxes.
2. Vehicle registration.
3. Legal costs.
4. Contingency funds.
5. Proposal preparation.
6. Contractual project administration.
7. Land acquisition.
8. Office furniture, office computers, fax machines and other office furnishings and equipment.
9. Costs for which payment has been or will be received under another federal, state or private financial assistance program.
10. Costs incurred before a written agreement between the applicant and the department has been executed.

567—210.12(455E) Written agreement and reporting.

210.12(1) *Written agreement.* The grant recipient shall enter into an agreement with the department for the purposes of implementing the eligible projects and activities for which financial assistance has been awarded. The agreement shall be signed by an authorized representative of the department and the authorized officer of the grant recipient.

210.12(2) *Report.* As a condition of the grant award, the grant recipient shall submit a written report to the department by July 31 following the end of the fiscal year for which the financial assistance was awarded. In addition to any other information required by the agreement, the report shall include information detailing the expenditure of all moneys received by the organization under this agreement and the results achieved through the expenditure of the moneys. Final reports are considered part of the public record.

210.12(3) *Termination.* The department may terminate the agreement and seek the return of any funds released under the agreement for failure of the grant recipient to perform pursuant to the terms and conditions of the agreement.

210.12(4) *Amendments.* Amendments to the agreement may be adopted by mutual written consent by the department and the grant recipient.

These rules are intended to implement 2009 Iowa Code Supplement section 455E.11(2) “a”(1) as amended by 2010 Iowa Acts, House File 2525, section 24.

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